IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION (REVIEW) NO.9/2004
IN
WRIT PETITION NO.133/1998

(1)Anne Mascarenhas,
major in age, resident
of Perxed Wado, House No.379,
Guirim, Bardez, Goa.

(2)Sunita Malpekar,
major in age resident of
House No. 246,
Malpe, Pernem, Goa.

(3)Rita Rodrigues,
major in age, resident of
Quitla, Aldona, Bardez, Goa.

(4)Satyavan Palyekar,
major in age, resident of
House No.44, Bhanduvado,
Palye, Pernem, Goa. ..... Applicants.

V/s.

(1)State of Goa, through the
Chief Secretary, with his Office
at Secretariat, Panaji, Goa.

(2)The Chief Electrical Engineer,
Electricity Department,
Vidyut Bhavan, Panaji, Goa.

(3)Nilesh Y. Behare,
resident of Dhaveli,
Ponda, Goa.

(4)Varsha Pilankar, resident of
House No.E-62,
Merces Vaddy, P.O. Santa Cruz,

(5)Nikhil Tergaokar,
residing near Holy Family School,
`Gurukrupa', Porvorim,

Bardez – Goa.

(6)Antonette Godinho,
residing near Two Cross,
Bhati, St. Jose de Areal,

(7)Suchita Nanoskar,
Electricity Department,
Division VI, Sub-Division III,
Vidyut Bhavan, Mapusa, Goa.

(8)Shri Stanley Lobo,
resident of Parra,
Bardez, Goa.

(9)Xinu Harmalkar,
resident of Oxel, Siolim,
Bardez, Goa.

(10)Kishore Parulekar,
resident of Verem, Bardez, Goa.

(11)Shri Premnath Gaude,
resident of Cambolim, Tiswadi, Goa.

(12) Shri Rajaram Nalkar,
resident of Ponda, Goa.
(deleted as per order dated 28.9.04). ..... Respondents.

Mr. M. S. Sonak, Advocate for the applicants.

Mr. H. R. Bharne, Government Advocate for the respondents No. 1 and 2.

CORAM : R.M. LODHA &
N.A. BRITTO, JJ.

DATE : 24th October, 2005.

ORAL ORDER : (Per R.M. LODHA, J.)

Heard Mr. M. S. Sonak, the learned Counsel for the petitioners.

2. By this review application, the applicants who were the original petitioners pray for review of the Judgment dated February 09, 2004.

3. The applicants, who were the original petitioners in Writ Petition No.133/98, prayed for the directions to the respondents No.1 and 2 for their appointment as Lower Division Clerks (LDCs). According to the petitioners, they initially joined the Electricity Department as Nominal Muster Roll Employees somewhere in the year 1984. Their services came to be terminated on 05.05.1988. Then on 13.07.1988, they were appointed as Meter Readers. The petitioners averred in the petition that they had completed several years in service, but not regularised and, therefore, they filed a writ petition, namely Writ Petition No.128/91 before this Court for regularisation of their services. The Government Advocate appearing for the State Government made the statement that the petitioners had been absorbed as LDCs on ad hoc basis. Accepting the statement of the Government Advocate, this Court disposed of the Writ Petition No.128/91 on January 21, 1998. To complete the narration of the facts, it may be noticed here that the Writ Petition No. 375/92 was filed by the aggrieved persons before this Court challenging the appointment of various persons as LDCs based on oral interview. This Court set aside all the appointments of LDCs

including the appointment of the petitioners while disposing of the Writ Petition No.375/92. The petitioners filed Writ Petition No.133/98 challenging their termination. Then in the year 1999, the petitioners were offered reemployment as Meter Readers on ad hoc basis. That they accepted subject to the result in the Writ Petition No. 133/98 filed by them.

5. The Devision Bench heard the Writ Petition No.133/98 and taking into consideration the submissions of the parties, allowed the same and directed the respondents No.1 and 2 vide its Judgment and Order dated February 09, 2004 that the petitioners shall be appointed as LDCs immediately. It is not in dispute that consequently the petitioners have been appointed as LDCs. Now, by this review application, the petitioners pray that the word “immediately” be deleted from the Judgment dated February 09, 2004 and its place it be directed “with effect from 9/3/1993”.

6. Since both the Judges who pronounced the Judgment dated February 09, 2004 are not available in Goa, the review application came to be heard by us.

7. After having heard the learned Counsel for the applicants, we find that the review application is wholly misconceived and devoid of any substance. The Division Bench was satisfied with the

contention of the petitioners that they deserved to be appointed as LDCs and consequently, directed the respondents No.1 and 2 to appoint them as LDCs immediately. The Division Bench did not direct the respondents to appoint the petitioners as LDCs with retrospective effect. There was no question of giving retrospective appointment to the petitioners from the year 1993. The Judgment does not suffer from any error apparent on the face of the record.

8. No case for review is made out. Review application is dismissed.

R.M. LODHA, J.

N.A. BRITTO, J.

ssm.